

REMARKS

The examiner is thanked for the performance of a thorough search. By this amendment, Claims 1, 14, 20, 24 and 37-38 are amended. Claims 8, 32 and 37-38 are cancelled herein. New claims 39-43 are presented herein. Hence, Claims 1-7, 9-31, 33-36 and 39-43 are pending in the application. No new matter is added herein. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art. Each issue raised in the Office Action mailed April 14, 2006 is addressed hereinafter.

I. REJECTIONS OF CLAIMS 8 AND 32 UNDER 35 USC 103

Claims 8 and 32 are rejected under 35 USC 103(a) over Published US Patent Application No. 2002/0021675 by Feldmann (hereinafter "Feldmann") in view of US Patent No. 5,521,837 to Frankle, et al. (hereinafter "Frankle"). Claims 8 and 32 are cancelled herein. Thus the rejection of these claims under 35 USC 103 is moot. Present Claims 1, 14, 20 and 24 recite subject matter that was previously recited in Claims 8 and 32 and that relates to **reading preprocessing information, which includes override information for nullifying information associated with a same one or more sites or site links from a plurality of router configuration files, wherein a network topology is generated based additionally on the override information.** Thus, Applicants respectfully traverse the substance of the rejection of Claims 8 and 32 under 35 USC 103(a).

To establish a *prima facie* case of obviousness, ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Further, the proper inquiry is whether there is something in the prior art as a whole to suggest the desirability of making the entire combination of claimed limitations. *In re Fulton*, 391 F.3d 1195, 1200-01, 73 USPQ2d 1141, 1145-46 (Fed. Cir. 2004). The Court of Appeals for the Federal Circuit has recently reiterated that "the tests of whether to combine references need to be applied rigorously." *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001).

However, as stated by the Court of Appeals for the Federal Circuit, "[t]o imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or

references of record convey or suggest that knowledge, is to fall victim to the insidious effect of hindsight syndrome where that which only the inventor taught is used against its teacher.” *W.L. Gore & Assocs v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Further, it is “impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious” and that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992); quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

Based on the foregoing principles, there is no suggestion or motivation to combine Feldmann and Frankle to obtain the entire combination of features recited in the claims. Thus, the present Office Action (OA) has not established a *prima facie* case of obviousness under 35 USC 103(a). Applicants agree with the Examiner's admission at page 5 of the present OA (second full paragraph) that "Feldmann ... does not disclose reading preprocessing information, [which includes] override information for nullifying the information associated with a same one or more sites or site links from the plurality of router configuration files, wherein the network topology is generated based additionally on the override information." However, Applicants disagree with the rationale to combine Frankle with the Feldmann reference.

The OA asserts that "Frankle discloses tighter delay limits are provided to the router which delays or rips up all routes for connection which have a higher delay than the new suggested limit" and cites Frankle at 18/24-27. The OA states that "[i]t would have been obvious to one of ordinary skill at the time the invention was made to modify Feldmann to include preprocessing information ... based on the teachings of Frankle for the purpose of eliminating inefficient routes." Op. Cit. **This is incorrect.**

Frankle pertains to the field of "**converting a circuit design into a physical integrated circuit [IC] structure which implements the design.**" Frankle at 1/10-12. Frankle is limited to "laying out the [circuit] design onto the **physical** structure so that the layout meets timing requirements specified by a user." Id. at 12-15. This is clearly reflected throughout Frankle's background section (Id. at 1/19-10/49), its figures (Id. at Fig. 1-20), detailed description (Id. at 11/54-24/28), its claims (1-26) and its abstract. Indeed the very

title of reference reads: "Timing Driven Method for **Laying Out a User's Circuit onto a Programmable [IC] Device.**"

However, Frankle has **no teaching or suggestion** that is directed in any way to **reading preprocessing information, which includes override information for nullifying information associated with a same one or more sites or site links from a plurality of router configuration files, wherein a network topology is generated based additionally on the override information**, as recited in independent Claims 1, 14, 20 and 24 herein and their respective dependent claims. Frankle contains **no teaching or suggestion** that is directed to **computer networks** and their topologies, to **replicating topologies** for use in a **directory service**, to **replicating a directory** or indeed to any subject matter recited in the independent claims herein. Frankle also contains **no teaching or suggestion** that is directed to **preprocessing**, to **reading preprocessing information** or indeed to any sort of **computer-implemented processing**, as recited in the claims herein. Further, Frankle contains no teaching or suggestion that is directed to **routers**.

Nothing in Feldmann cures these defects of Frankle. The rationale of the present OA is unsupported in the references. There is simply no teaching, suggestion or motivation expressed or implied in either reference to modify the teaching of Feldmann with those of Frankle so as to achieve the claimed embodiments. In fact, any suggestion to modify Feldmann with the method for laying out a circuit onto a programmable IC device taught by Frankle so as to achieve the subject matter recited in the claims herein comes only from Applicants' disclosure and a hindsight desire to make the references fit into Applicants' solution. For at least these reasons, Claims 1, 14, 20 and 24 and their respective dependent claims are allowable over Feldmann in view of Frankle under 35 USC 103(a).

Moreover, the combination of the Frankle reference with Feldmann as suggested in the present OA yields an **impractical, unworkable and nonsensical** result. The claims use the term "router" for packet data forwarding infrastructure devices in computer/communication networks (see, e.g., <http://www.cisco.com/univercd/cc/td/doc/cisintwk/ita/r12.htm>). This term relates to network layer devices, which use one or more metrics to determine optimal paths for forwarding network traffic and which forward packets (e.g., message packets between networks) based on network layer information therein. In Frankle, the "router," is a "**layout**

tool" (Id. at 12/48) that **"selects wire segments which route connections between ... logic blocks."** Id. at 52-54.

Frankle expressly states that a "router" of this sort is a "routing tool" that makes routing choices based on *inter alia*, "the number and kind of **wiring segments used to form [a signal path] connection**" (Id. at 16/40-63). This discussion is presented in Frankle under a heading entitled "Application to FPGA routing" that begins "[a] preferred embodiment of the [Frankel] invention is used for **routing signals in an FPGA structure in conjunction with a routing tool ...**" Id. at 31-33. The FPGA expressly taught in Frankle is a Field Programmable Gate Array, which is a type of solid state logic IC device and thus wholly **irrelevant** to the claims.

In fact, the portion of the Frankle reference cited in the OA allegedly in support of the assertions therein ("col 18, lines 24-27," Op. Cit.) **expressly** reads thus: "These new and sometimes tighter suggested delay limits are provided to the router [i.e., "routing tool," as discussed above], which at step 155, deletes or **rips up** all routes **for connections** [i.e., physical, electrical connections] having a delay ..." Id. at 18/24-27. However, Frankel contains **no teaching or suggestion** that is directed to **any** use of the term "router" **apart from a tool for use in the layout of a circuit onto a programmable IC device.**

"Router" also refers to a cutting machine used in woodworking to cut rabbets and dados - an equally irrelevant meaning of "router." The mere presence of a keyword such as "router" does not make a reference relevant when the keyword has multiple meanings.

Clearly therefore, the Frankle reference is **non-analogous art** to the claims and its combination with the teachings of Feldmann **yields an impractical, unworkable and nonsensical result.** Because Frankle is expressly limited to circuit layouts on programmable IC devices, Frankle **teaches away** from the claims, which relate to **reading preprocessing information, which includes override information for nullifying information associated with a same one or more sites or site links from a plurality of router configuration files, wherein a network topology is generated based additionally on the override information.** Further, in stating that the "routers" therein are **layout tools**, Frankle clearly **teaches away** from the claims herein, which relate to computer networking. Nothing in Feldmann cures these gross defects of Frankle.

For these additional reasons, Claims 1, 14, 20 and 24 and their respective dependent

claims are allowable over Feldmann in view of Frankle under 35 USC 103(a).

Reconsideration and allowance is requested.

II. REJECTIONS UNDER 35 USC 102

Claims 1-2, 4-6, 9, 14, 16, 20, 22, 24, 26, 28-31 and 33-38 are rejected under 35 USC 102(e) over Feldmann. The rejections are respectfully traversed.

A rejection under §102 is traversed if the claims recite one or more features, elements, steps or limitations that are not found in the cited reference. Stated another way, the cited reference must teach or disclose each and every feature of the claims, arranged as in the claims. *See Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). The claims of the present application contain features not found in the reference, and therefore the rejection is overcome.

Each of the present independent claims recites a computer-implemented method for automatically generating a network replication topology for use by a directory service in replicating a directory. Multiple router configuration files are read and the network replication topology, which represents one or more sites and one or more site links, is generated based on information in the multiple router configuration files. Further, **preprocessing information is read**. The preprocessing information includes **override information for nullifying the information** associated with a same one or more sites or site links from the multiple router configuration files. The **network topology is generated based additionally on the override information**. Claims 2, 4-6, 9, 16, 22, 26, 38-31 and 33-38 depend on one of the independent claims and thus incorporate this recited subject matter.

Applicants agree with the Examiner's admission that "Feldmann ... does not disclose reading preprocessing information, [which includes] **override information for nullifying the information associated with a same one or more sites or site links from the plurality of router configuration files**, wherein the **network topology is generated based additionally on the override information**." Op. Cit. As this feature is not taught or suggested in Feldmann, Claims 1-2, 4-6, 9, 14, 16, 20, 22, 24, 26, 28-31 and 33-38 are allowable over the reference under 35 USC 102(e). Applicants request reconsideration and withdrawal of the present rejection.

III. REMAINING REJECTIONS UNDER 35 USC 103

Claims 3, 7, 10-13, 15, 17-19, 21, 23, 25 and 27 under 35 USC 103(a) over Feldmann in view of US Patent No. 5,935,245 to Sherer (hereinafter "Sherer"), US Patent No. 6,363,056 to Beigi, et al. (hereinafter "Beigi"), US Patent No. 6,498,782 to Branstad, et al. (hereinafter "Branstad"), or US Patent No. 6,983,317 to Bishop, et al (hereinafter "Bishop"). The rejections are respectfully traversed.

Each of the present independent claims recites a computer-implemented method for automatically generating a network replication topology for use by a directory service in replicating a directory. Multiple router configuration files are read and the network replication topology, which represents one or more sites and one or more site links, is generated based on information in the multiple router configuration files. Further, **preprocessing information is read**. The preprocessing information includes **override information for nullifying the information** associated with a same one or more sites or site links from the multiple router configuration files. The **network topology is generated based additionally on the override information**. Claims 3, 7, 10-13, 15, 17-19, 21, 23, 25 and 27 depend on one of the independent claims and thus incorporate this recited subject matter.

Applicants agree with the Examiner's admission that "Feldmann ... **does not disclose reading preprocessing information**, [which includes] **override information for nullifying the information associated** with a same one or more sites or site links from the plurality of **router configuration files**, wherein **the network topology is generated based additionally on the override information**." Op. Cit. None of the Sherer, Beigi, Branstad, or Bishop references cures these defects of Feldmann.

Further, these features are **not taught or suggested** in any of the Sherer, Beigi, Branstad, or Bishop references and **none of these references is cited** in the present OA to **support any allegation** of a teaching, suggestion or motivation to combine with Feldmann to **achieve these particular recited features**. Nothing in Feldmann cures these defects in the Sherer, Beigi, Branstad, or Bishop references.

Thus, Claims 3, 7, 10-13, 15, 17-19, 21, 23, 25 and 27 are allowable under 35 USC 103(a) over the cited references, individually or in any combination. Reconsideration and withdrawal of the rejection is requested.

IV. NEW CLAIMS

New Claims 39-43 are presented herein. New Claims 39-43 depend upon independent Claim 20 and thus incorporate the subject matter recited therein. As discussed above, the subject matter recited in Claim 20 is allowable. Thus, new Claims 39-43 are allowable under the same rationale. Consideration and allowance is requested.

CONCLUSION

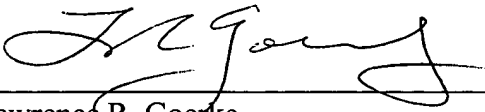
Applicants believe that all issues raised in the Office Action have been addressed and for the reasons set forth above, respectfully submit that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 CFR 1.136. Throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: 11 July, 2006


Lawrence R. Goerke
Reg. No. 45,927

2055 Gateway Place, Suite 550
San Jose, CA 95110-1089
Tel. (408) 414-1207
Fax (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Mail Stop AMENDMENT, P.O. Box 1450, Alexandria, VA 22313-1450.

on July 12, 2006 by Martina Placid
Date Ms Martina Placid